M

Secvt. II-37—100,000—21-5-53.

Revenue **(1948) Department.**

Mo **SERIES.**

G.O No. 2102

Dated 3.9.1948

[Despatch Abstract.]

VILLAGE OFFICERS : NON-HEREDITARY POSTS : PROPERTY QUALIFICATION

G.S.O. 156 - PARAGRAPH 71 AMENDMENT : BOARD'S PROPOSAL : ACC

REVENUE DEPARTMENT
Subject

VILLAGE OFFICERS - Non-hereidtary Posts - Property qualifications - Board's Standing Order 155 - Paragraph 11 - Amendment - Submitted.

- -

Station: Madras. Ref: No. A.2203/48-1 Dated the 19th July 1948.

From

P.M. Jayarajan, Esq., Bar-at-Law, I.C.S.,
Secretary, Board of Revenue, Madras.

-

S. Ranganathan, Esq., O.B.E., I.C.S.,
Commissioner of Land Revenue and Commercial Taxes.
V.N. Kudva Esq., C.I.E., I.C.S.,
Commissioner of Land Revenue, Excise and Prohibition.
V.S. Hejmadi, Esq., I.C.S.,
Commissioner of Civil Supplies and Separate Revenue.

REFERENCE:

A number of temporary misappropirations have been committed by Village Officers recently. As a measure of precaution, the Board has examined the question, whether it would not be necessary to replace the Village Officers in non-hereditary tracts for lack of property qualifications or ask them to find security. The question has to be considered, both as regards appointment to Village Officers and as regards ousting of the present incumbents who do not satisfy property qualifications.

2. As regards appointment of village officers in non-hereidatary tracts, the existing provision, in paragraph 11 of B.S.O. 155 is that for non-hereditary posts of Village headmen men of property should always be selected, if possible. In the Board's view, the expression "if possible" in this B.S.O. gives latitude to the Divisional Officer to select, after recording his reasons therefor, persons who do not possess sufficient property qualifications. In cases of misappropriation by such village officers, criminal prosecution is not being resorted to for want of sufficient evidence, which can stand out unrebutted. If only, men of property are selected for appointment as Village Headmen in non-hereidtary areas, action can be taken against them for the recovery of the amount misappropriated. Under the first clause of Section 5 of the Madras Revenue Malversation Regulation IX of 1822. As the appointment of Village Officers in non-hereidtary areas is not governed by statute but only by executive instructions in the B.S.Os amended from time to time, the Board considers that B.S.O. 155 - para 11 should be amended deleting the expression "if possible" from it and submits that the Government may be pleased to approve of this amendment.

3. As regards Village Headmen, who are not men of property and who are already in Office, the Board considers that these need not be ousted for want of property qualifications. In Coimbatore district, there is a practice of listing out village head-men, whose solvency is doubtful and requiring them to make Land Revenue remittances either daily or on alternate days if the villages are away from the sub-treasuries. In February 1948, the Board instructed the Collectors to follow this system in future in their districts. The Board considers that general instructions to Collectors to adopt the Coimbatore District practice in these cases will meet the requirements of the question.

Sd/. for Secretary.

To the Secretary to Government, Revenue Department, Fort St. George.

GOVERNMENT OF MADRAS
Abstract
**

VILLAGE OFFICERS - Non-hereditary posts - Property qualifications - Board's Standing Order No. 155 - Para 11 - Amendment - Board's proposal - Accepted.

- -

Revenue Department

G.O. (Ms) No. 2102. Dated, the 3rd September 1948

READ - the following:

From the Board of Revenue, Ref: No. 2203/48.1 dated the 19th July 1948.

- - - -

ORDER:

The Government approve the Board's proposal to delete the expression "if possible" from paragraph 11 of Board's Standing Order 155. The Board is requested to issue necessary amendments to the Board's Standing Orders.

2. They also concur in the Board's view ~~that~~ contained in paragraph 3 of its Reference read above. The Board is requested to issue necessary instructions to Collectors in the matter and submit a copy of those instructions to the Government.

G. VENKTESWARA AYYAR
Secretary to Government.

To the Board of Revenue.

/True copy/

Office Assistant,
Madras Record Office, Egmore.

Sk

11/6/54

REVENUE DEPARTMENT

Subject

VILLAGE OFFICERS - Non-hereditary posts - Property qualifications - B.S.O 155 - Paragraph 11 - Amendments issued.

- -

Station: Madras. B.P. (Press) No.11 Dated, the 4th April 1949

From

K.N. Anantaraman, Esq., I.C.S.,
Secretary, Board of Revenue.

V.N. Kudva Esq., I.C.S.,
Commissioner of Land Revenue, Excise and Prohibition.
V.S. Hejmadi, Esq., I.C.S.,
Commissioner of Civil Supplies and Separate Revenue.
W.R.S. Sattianathan, Esq., I.C.S.,
Commissioner of Land Revenue and Commercial Taxes.

- - - - -

Read again - B.P. Mis. 224 dated the 20th February 1948
From the Collector of South Kanara, Ref: A.4802/48
dated the 20th May 1948.
G.O. (Ms) No. 2102 Rev. dated the 3rd September 1948
Board's Ref: A.No.2203/48-2 dated the 24th September 1948
Board's Ref: A.No.2203/48-3 dated the 25th September 1948
Replies from Collectors.

RESOLUTION:

A number of temporary misappropirations had been committed by village officers recently. As a measure of precaution, the Board has examined the question whether it would not be necessary to replace the village officers in non-hereditary tracts for lack of property qualifications or to ask them to find security. The question had to be considered both as regards appointments to village officers and as regards ousting of the present incumbents who did not satisfy property qualifications. As regards appointments of village officers in non-hereditary tracts, the existing provision in paragraph 11 of B.S.O 155 is that men of property should always be selected, if possible. In the Board's view, the expression "if possible" in this Standing Order gave latitude to the Divisional Officer to select after recording his reasons therefor, persons who did not possess sufficient property qualifications. In cases of misappropriation by such village officers, criminal prosecution was not being resorted to for want of sufficient evidence, which could stand out unrebutted. If only men of property were selected for appointments as village headmen in non-hereditary areas, action could be taken against them for the recovery of the amount misappropriated under the first clause of Section 5 of the Madras Revenue Malversation Regulation IX of 1822. As the appointment of village officers in non-hereditary areas was not governed by statute but only by executive instructions in the B.S.Os the Board suggested to the Government that B.S.O. 155 - paragraph 11 should be amended by deleting the expression "if possible" from it.

2. As regards village headmen who were not men of property and who were already in office the Board considered that it was not necessary to oust them for want of property qualifications. In Coimbatore district there is a practice of listing out village headmen whose solvency is doubtful and requiring them to remit their land revenue collections into the sub treasury concerned once in three days so as not to allow heavy sums of money to accumulate with them. The Board instructed the Collectors in its proceedings Mis.No.224 dated 20th February 1948 to follow this practice in future in their districts also. The Government were informed that general instructions to Collectors to adopt the Coimbatore district pratice in these cases would meet the requirements of the question.

3. In their order (Ms) No. 2102 Revenue dated 3rd Septmembe 1948 the Government approved the Board's proposal to delete the expression "if possible" from paragraph 11 of B.S.O. 155. They also agreed with the Board that village headmen of doubtful solvency should be required to remit land revenue collections into the Sub Treasury concerned once in three days.

4. In the meanwhile, the Collector of South Kanara represented

in his letter Ref: A1.4802/48 dated the 20th May 1948, the following difficulties in adopting the Coimbatore district practice, namely:

(i) all the Potails in the district were of doubtful solvency, as they were following the Aliyasanthanam law;

(ii) insufficiency of transport facilities in suburban areas; and

(iii) the absence of such facilities in the interior villages.

The Board considered that difficulties similar to those represented by the Collector of South Kanara were bound to exist in Malabar as the same principles of heredity as in South Kanara were followed there, that there were no transport facilities in parts of certain districts and that the scheme might not work successfully in these places. As an alternative, it considered that in non-hereditary areas, all village headmen should own property worth at least 10% of the feriz of the village and that if they did not own such property, they should either furnish securities or have fidelity bonds executed. It consulted the Collectors of the non-hereditary districts as to whether they would have any practical difficulty if the suggestion about one-third of the beriz being demanded as security was enforced.

5. The Collectors consulted agreed to the fixing of a minimum limit to the property qualification for a village headman. The Collector of Tinnevelly suggested that the Tahsildars should have the discretion to depart from this rule if suitable men with the required property qualifications were not available. The Board as at present constituted considers it unnecessary to prescribe the minimum property qualifications. It is easy enough, in the Board's view, to fix a minimum, but it is almost impossible to get suitable with such property qualifications. It is already insisting that men selected should be men of property and it considers that this is quite sufficient. Furnishing of sereties is easy enough, but when trouble arises these sureties are of little help. The Board considers that men of doubtful solvency should remit periodically, not less than once in three days and that this ourhg to be practicable generally. The Collectors are requested to follow the instructions issued in B.r. Mis. No. 224 dated the 20th February 1948.

6. With the approval of the Government, the Board issues the following amendment to the B.S.Os:

B.S.O. VOLUME III - Page 869 - B.S.O. 155 - Paragraph 11.

Delete the words "if possible" at the end of the paragraph.

Sd/. for Secretary.

To the Secretary to Government, Revenue Department.
To the Collectors of all Districts.
Copy to stock file.

REVENUE DEPARTMENT

Subject-

VILLAGE OFFICERS - Hereditary and non-hereidtary posts - Property qualifications.

Station: Madras. Ref: A.2203/48.2 Dated, the 24th September 1948

From

P.M. Jayarajan, Esq., Bar-at-Law, I.C.S.,
Secretary, Board of Revenue.

S. Ranganathan, Esq., C.B.E., I.C.S.,
Commissioner of Land Revenue and Commercial Taxes
V.N. Kudva, Esq., C.I.E., I.C.S.,
Commissioner of Land Revenue, Excise and Prohibition.
V.S. Hejmadi, Esq., I.C.S.,
Commissioner of Civil Supplies and Separate Revenue.

Read: Board's Ref: A.2203-48-1 dated the 19th July 1948.
G.O. (Ms) No. 2102 Rev. dated the 3rd September 1948.

- - -

REFERENCE:

The Board invites the attention of the Government to paragraph 2 of the G.O. cited above. In his letter Rgf: A1-4802-48 dated the 20th May 1948, the Collector of South Kanara has represented the following difficulties in adopting the Coimbatore district practice, namely:-

(1) All the potails in the districts are of doubtful solvency as they follow the Aliyasanthanam Law;

(2) Insufficiency of transport facilities in suburban areas; and

(3) absence of such facilities in interior villages.

He has also asked in his letter dated 13th August 1948 for permission to follow the existing procedure till orders are passed on his representations in his letter dated the 20th May 1948. The Board considers that difficulties similar to those represented by the Collector of South Kanara are bound to exist in Malabar, as the same principles of heredity as in South Kanara are followed there and that it would be diff cult to work the scheme in certain parts of the Presidency, e.g. parts of the Ceded districts and in the Agency areas in East Godavari, West Godavari and Vizagapatam districts, due to absence of transport facilities. As an alternative, the Board considers that in non-hereidtary areas, all village headmen should own property worth at least 1/3 of the beriz of the village and that if they do not own such property, they should either furnish sureties to that amount or have fidelity bonds executed. It has referred the matter to the Collectors of select districts for report as to whether they will have any practical diffi culties if the suggestion about 1/3 of the berix being demanded as security is enforced. A copy of the Board's reference to the Collectors is enclosed. The Board will submit a further report to the Government on hearing from the Collectors.

Sd/. for Secretary.

To the Secretary to Government, Revenue Department (with enclosure)

Copy of Board's Reference No. A.2203-48.2 dated the 24th September 1948.

Sub: VILLAGE OFFIC RS - Hereidtary and non-hereditary posts
Property qualifications.
Read again - B.P. Mis.224 dated the 20th.February.1948.
South Kanara Collector's Ref: A1.4802/48
dated the 20th May 1948.

REFERENCE:

The attention of the Collectors of the districts noted in the margin is invited to the Board's proceedings cited above, in which the Board, with a view to minimise cases of misappropriation by village officers, ordered the adoption of the Coimbatore district practice of listing out village headmen whose solvency was doubtful and requiring them to remit land revenue collections once in three days so as not to allow heavy sums of money to accumulate with them. In his letter Ref: A1.4802/48 dated 20th May 1948, the Collector of South Kanara has represented the following difficulties in adopting the Coimbatore district practice, namely:

Tanjore, the Nilgiris, Malabar, Tiruchirappalli, Salem, Tinnevelly, South Arcot and North Arcot.

- (1) all the potails in the district are of doubtful solevncy, as they are following the Aliyasanthanam law,

(2) Insufficiency of transport facilities in suburban areas and

(3) the absnece of such facilities in interior villages.

He has also asked in his letter dated 13th August August 1948 for permission to follow the existing procedure till orders are passed on his representations in his letter dated the 20th May 1948.

2. The Board considers that difficulties similar to those represented by the Collector of South Kanara are bound to exist in Malabar as the same principles of heredty as in South Kanara are followed there and the country is interspersed with hills and dales. There are no transport facilities in parts of certain districts. The scheme may not therefore work successfully in these places. The scheme may not therefore work successfully in these places. As an alternative the Board suggests that in non-hereditary areas, all village headmen should own property worth at least 1/3 of the beriz of the village and that if they do not own such property, they should either furnish sureties or have fidelity bonds executed. The Collectors are requested to consider the matter and report whether they will have any practical difficulties if the suggestion about 1/3 of the beriz being demanded as security is enforced.

D. BALASUNDARAM
Assistaant Secretary.

To the Collectors of the districts noted in the margin.

REV. DEPTT.

pp 1.5 ante. The Board s original suggestion was that headmen of doubtful solvency should remit land revenue collections either daily or on alternate days if the villages are far away from sub treasuries. In its L.Dis. on pp 1-5 ante, the Board after consulting Collectors issued instructions to Collectors to follow the instruction referred to X on p. 3 ante, namely, making the Village Headmen of doubtful solovncy to remit land revenue collections poriodically, not less than once in three days. No special remarks seem called for. The papers may be lodged and stiched with J (B,S.O will be corrected). Finance may see

xx/21.4.

FIN.DEPTT.

May be persued and returned to Revenue.
xx/25.4.

REV. DEPTT.

Please see the otes on pp 6-7 (above). Necessary corrections were made in the books of the officers of the Deptt. The papers may be lodged and stiched with G.O. 2102 Rev. dated 3-8-1948.

xx/20.4.49

/True copy/

Office Assistant,
Madras Record Office, Egmore.

Sk.